

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

APPLETON PAPERS INC. and NCR CORP.,

Plaintiffs,

v.

Case No. 08-C-16

GEORGE A. WHITING PAPER CO., et al.,

Defendants.

ORDER

Defendant City of DePere has moved for entry of judgment on the grounds that this Court's approval of a Consent Decree in a related action bars Plaintiffs from prosecuting their claims against the City. The Plaintiffs concede as much.

But the Court has not yet entered a final judgment in this case for any of the defendants. This Court's previous order granted similar relief to the eleven other *de minimis* defendants who had entered into consent decrees (Dkt. # 850), and the City's current request merely reflects more recent circumstances. Accordingly, to the extent the City seeks a determination that it is entitled to dismissal based on the bar created by the consent decree, the motion (Dkt. # 954) will be **GRANTED**. Other claims, including counterclaims for indemnification and contribution against the Plaintiffs, remain unresolved, however, and for the reasons previously set forth, the Court declines to direct the Clerk to enter final judgment pursuant to Fed. R. Civ. P. 54(b) at this time. To the extent the City of DePere seeks a final judgment pursuant to Rule 54(b), its motion is denied.

SO ORDERED this 1st day of June, 2010.

/s William C. Griesbach

William C. Griesbach

United States District Judge